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FILED

DEC 15 2005

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

5 Counsel for Defendant ROBERT G. GARDNER
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)

No. CR-05 00592 MJJ

12 Plaintiff,)

STIPULATION AND ~~PROPOSED~~

13 vs.)

~~ORDER~~
AND ORDER

14 ROBERT G. GARDNER,)

15 Defendant.)
16

17 This matter is scheduled for a status conference on December 16, 2005 at 2:30 p.m. The
18 underlying indictment charges Mr. Gardner with three counts of tax evasion. Mr. Gardner
19 resides in Oregon.

20 The government has produced over 500 pages of discovery to date, and has agreed to
21 produce additional discovery shortly. Defense counsel has completed its review of some, but not
22 all, of these materials. Defense counsel also needs to complete numerous witness interviews. It
23 therefore is anticipated that the parties will request a continuance at the status conference
24 scheduled for December 16, 2005. Because the appearance will not comprise any substantive
25 matters, and to avoid unnecessary travel and expense for Mr. Gardner, IT IS STIPULATED AND
26 AGREED that Mr. Gardner's appearance at the December 16, 2005 status conference is

1 WAIVED. Defense counsel represents that Mr. Gardner concurs with any request for exclusion
2 of time under the Speedy Trial Act.

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4 /S/

5 Dated: December 14, 2005

6 JEROME MATTHEWS
Assistant Federal Public Defender

7 /S/

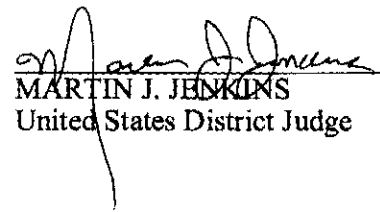
8 Dated: December 14, 2005

9 THOMAS MOORE
Assistant United States Attorney

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11 Good cause appearing therefor, IT IS ORDERED that defendant Robert Gardner's
12 appearance at the December 16, 2005 status conference is WAIVED.

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14
15 Dated: December 15, 2005

16 *none present myff*

17 
MARTIN J. JENKINS
United States District Judge